

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,  
OPENAI OPCO LLC, OPENAI GLOBAL LLC,  
OAI CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

**DECLARATION OF EUDOKIA  
SPANOS IN SUPPORT OF THE  
NEW YORK TIMES COMPANY'S  
MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**

I, Eudokia Spanos, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Of Counsel at Susman Godfrey L.L.P., located at One Manhattan West, New York, NY, 10001, which represents Plaintiff The New York Times Company (“The Times”) in this case. I submit this declaration in support of The Times’s Motion for Leave to File its First Amended Complaint.

2. I have personal knowledge of the creation of the exhibits—both to the original Complaint and to the proposed First Amended Complaint—containing copyright registration information for Times Works.

3. The searchable online database of copyright registration information maintained by the U.S. Copyright Office, located at <https://copyright.gov/public-records/>, contains information for the Times Works beginning in September 1950. Earlier works do not appear in that database. Information from this database was used to create the original Complaint exhibits.

4. After filing its original complaint, The Times learned that pre-1950s registration information could be obtained by reviewing scanned card catalog images in the Copyright Office's "Virtual Card Catalog," located at <https://copyright.gov/vcc/>. These images had to be located, reviewed, and transcribed by hand on an individual basis for every day between April 1928 and September 1950.

5. Separately, in generating its exhibits to The Times's original Complaint, The Times employed a de-duplication algorithm that resulted in the omission of several million copyrighted works for the period September 1950 through September 2023. Among The Times's proposed amendments are approximately 3.6 million works that were omitted due to this data processing issue.

6. Finally, Times Works are currently registered on a monthly basis. At the time of the original Complaint filing, the registrations for November 2023 and December 2023 works had not issued. The registration for the November 2023 works issued on January 2, 2024. The registration for the December 2023 works issued on February 1, 2024. The Copyright Office's decision as to The Times's registration for works published in October 2023 was not made until December 20, 2023, just one week prior to the filing of the original Complaint. As such, the October 2023 works were excluded from the exhibits to The Times's original Complaint due to the burden of reliably matching the copyrighted works ahead of the planned filing date.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 10th day of June 2024.

/s/ Eudokia Spanos  
Eudokia Spanos